

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>EMMA ZAHNER</b>  <b>v.</b>  <b>CITY OF PHILADELPHIA, et al.</b>	<b>CIVIL ACTION</b>  <b>NO. 16-2635</b>
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**ORDER**

**AND NOW**, this 30th day of June, 2016, upon consideration of Defendants' Motions to Dismiss Plaintiff's Complaint (ECF 3, 4) and all responses and submissions related thereto, and for the reasons stated in the foregoing Memorandum, it is hereby **ORDERED** that:

1. Count I against Defendant City of Philadelphia is **DISMISSED WITHOUT PREJUDICE**;
2. Count II is against Defendant Clark is **DISMISSED WITHOUT PREJUDICE**;
3. Count III against Defendant Pennsylvania Department of Corrections is **DISMISSED WITH PREJUDICE**, as is any claim against Defendants Smith and Lamper to the extent it is asserted against them in their official capacities;
4. Count IV against Defendant Smith is **DISMISSED WITHOUT PREJUDICE**;
5. Defendants' Motion to Dismiss Count V against Defendant Lamper (incorrectly captioned as "Defendant Lambert") in her individual capacity is **DENIED**;
6. Count VI against Defendant Lamper is **DISMISSED WITH PREJUDICE**;
7. Plaintiff may, if she chooses, file a Second Amended Complaint within fourteen (14) days of this Order seeking to cure the factual deficiencies in the Amended Complaint as outlined in the Court's Memorandum. If she does not, all dismissals outlined above shall be with prejudice.

**BY THE COURT:**

/s/ Michael M. Baylson

**MICHAEL M. BAYLSON, U.S.D.J.**

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